Limited-Sight Site Walk 2020 + Accepting "Fantasy Images" vs. "Illustrations"

Submitted to the Durham Planning Board, February 3, 2022

Adapted from Public Comment, Planning Board, Jan 12, 2022, 8:11:24 pm (video)

Joshua Meyrowitz, 7 Chesley Dr, Durham, NH Prof.Joshua.Meyrowitz@gmail.com (s)



Dec 16, 2020 Plaza Site Walk, unmarked hillside



CDA's Fantasy Image of Post-Construction View from Chesley Dr, Nov 18, 2020

The only Planning Board site walk for a *recent* Mill Plaza plan – on <u>Dec 16, 2020</u> – was the least thorough

PB Nov 2016 site walk included wider vistas & observations; It lasted 1 hour, 42 mins

ConCom Nov 2020 site walk studied surrounding context; It lasted two hours

The PB Dec 2020 site walk was unreasonably limited – and it lasted only 1 hour, 7 mins*

> A new, thorough site walk on latest plan is needed

*Current PB Members not even at that limited Dec 2020 site walk: Nick Germain, Chuck Hotchkiss, Ellie Lonske, Bill McGowan

The Planning Board's Nov 2016 Mill Plaza Site Walk (during Preliminary Design Review) included surrounding context views and observations and lasted 1 hour & 42 mins

"16. Specific vistas from the center of Chesley Drive and from the vicinity of 15 and 17 Faculty Drive were noted."

—<u>Site Walk Minutes, 11-14-16</u>, 1:05-2:47 pm, p. 2

Naturally, the public expected at least the same for the Dec 2020 site during *Formal Application Review* of a significantly modified plan.

The Conservation Commission's Nov 2020 Mill Plaza Site Walk explored wide-ranging context (for two hours)

"The group proceeded to **Brookside Commons**, an adjacent private condominium property on the other side of College Brook...."

"Further down the brook, Wil Wollheim from the UNH Department of Natural Resources, was invited to give an update of his work [on College Brook]...."

"At this point in the walk, an adjacent [Church Hill] hillside property currently proposed for a parking lot was discussed...."

"The group then proceeded with permission to a number of **homeowner properties on Chesley Drive to look at problem areas due to flooding from the brook....**"

"The site walk continued south over the footbridge to Nancy Lambert's property along the brook and up into her [17 Faculty Road] backyard. It was recommended that homeowners with properties facing the plaza ask the Planning Board to include their yards in a site walk."

-DCC Site Walk Minutes, Nov 20, 2020, 9 am to 11 am

On Dec 1, 2020, two residents with Site-Walk experience wrote guidance letters to the Planning Board

Residents expected the PB Site Walk to be even more rigorous than the ConCom Site Walk

"...no Board member should deliberate, let alone vote, on this application if he or she is not familiar with all the elements at stake.

-<u>R Mower 12-1-20</u>

December 1, 2020 Planning Board 8 Newmarket Road Durham, NH 03824

Robin Mower

RE: Public Hearing - Mill Plaza Redevelopment, 7 Mill Road, Continued project and application for aiter plan and conditional use for mixed use redevelopment project and activity within the workload and elseridual doorleg districts. Calomial Durhan Associates, properly unues. Seen McCasley, opent, her Persochina, Taplic & Bond, engineer, Emily Innes and Sharon Annis, Harriwam, project designer, Aei Pollack, ettorney, (Rick Teintor is serving as the Town's Contract Planner.) Central Business District. Map 7, Lot 1-1.

Topic of this letter: Site walk scheduled for December 16, 2020

Greetings,

Near the end of the Board's October 18 meeting, you held a two-minute discussion about conducting a site walk. Chair Rasmussen asked members to "think about what they actually want to see during a site walk." He stated that the follow-up discussion would occur at the November meeting, when the applicant would be present, and that members could bring their own notes to that discussion.

At your November 18th meeting, near the very end of the discussion of the Mill Plaza project, Heather Grant finally raised the matter of the site walk. Richard Kelley offered a brilliant suggestion for helping participants to visualize proposed building beights, i.e., asking the Fire Department to use its ladder trucks. However, no mention was made of any details for off-site viewing, Indeed, no Board member brought forward a wishlist he or she had drawn up since the previous meeting.

I hope you will agree that the following should be incorporated in the site walk.

- Boundary markings should include:
 - Those marked for the Conservation Commission site walk, but also those that were for omitted for one reason or another, e.g., on the wooded side of Church Hill where the northeast corner of Building C is proposed.
 - Perimeter of the proposed stormwater management system
 - Delineation of the wetland buffer/setback across the entire site (I gather this was done for the Conservation Commission); this should be facilitated by the post-Thankagiving absence of student parking space renters
- Scope should encompass off-site views toward the Plaza and of College Brook:

 From the sidewalks of Mill Road (will pedestrians be able to view the spire of the Community Church, an icon in our historic district? Some residents remember their dismay when finding that the construction of UNN's Holloway Commons obscured the view of Thompsin Hall, another Durham icon)

Robin Mower • 6 Britton Lane • Durham, NH 03824 • 603-659-2716 • melodyofharplate@gmail.com To: The Planning Board From: Diane Chen, 12 Oyster River Road Date: December 1, 2020 Re: Mil Plaza Proposal Site Walk

Diane Chen

Thank you for all your hard work regarding the complex Mill Plaza project. I certainly appreciate the time such review takes, and I hope that ultimately what's decided upon results in a positive benefit to the Town and protection from a negative one.

I have attended many site walks in my real estate development career. I wanted to outline what my experience suggests should be delineated prior to the site walk and what should be among the issues attended to during the site walk – much of which you probably already know.

- Each corner of proposed Building B and Building C needs to have a sturdy and prominent cone marker. This includes the corners of Building C that will be where the wooded hillside between the Plaza and "Orion" is presently located.
- · The boundaries of retaining walls also need to be clearly reflected with cones.
- · The boundaries of paving for roads and parking spots need to be clearly marked.
- The areas where, in Rick Tainton's words, "<u>new</u> underground utilities and infrastructure are proposed" should be clearly marked.
- The areas where, as Mr. Taintor notes, "extensive <u>changes</u> in grade" will occur should be marked, ideally with height indicators, or at least verbal descriptions.
- The actual <u>boundaries of the Mil Plaza site</u> need to be identified/marked, so that Board members and the public can see how close to the site boundaries paving, retaining walls, buildings, and other structures come. The applicant should be prepared to describe what types of buffers to adjacent properties are being proposed per zoning and per enhancements under the stricter Conditional Use approval.
- There need to be at least three ladders from the fire department or Public Works so the heights of Building B, C, the retaining wall (and grade changes?) can be seen.
- The heights of the ladders/buildings should be viewed from adjacent properties (Brookside Commons, Chesley Drive, the College Brook Footbridge, Faculty Rd, Main St, and wherever else the tallest structures are likely to be visible.)

I realize these issues require some planning as well as focus at the site walk, but they are critical for Board members, the abutters and the residents to envision what the scope of this large project would be. "I have attended many site walks in my real estate development career.... these issues...are critical for Board members, the abutters and the residents to envision what the scope of this large project would be."

-<u>D Chen 12-1-20 #2</u>

Plaza Site-Walk Checklist

Generated from <u>R Mower 12-1-20</u> & <u>D Chen 12-1-20 #2</u> (both with experience with site walks)

- Precise boundaries of the Mill Plaza site identified to reveal proposed buffers
- _ Delineation of wetland buffer/setback across entire site & inspection of Brook bank
- ____ Each corner of proposed Buildings B and C marked with prominent cone marker
- <u>Markers on vegetated hillside to show proposed blasting-away boundaries</u>
- ____ Boundaries of all proposed retaining wall(s) marked with cones or other markers
- ____ Boundaries of paving for roads & parking spots clearly marked
- Markings for area of "new underground utilities & infrastructure"
- _____ Marking of perimeter of proposed stormwater management system
 - ___Fire-engine ladder(s) or balloons to illustrate *building* heights
 - _ Ladders or balloons to illustrate *retaining wall* heights
 - Building/structure heights viewed *from* adjacent properties:
 - Brookside Commons; Brook Footbridge; Chesley Dr; Faculty Rd; Main St

Actual Dec 16, 2020 PB Site-Walk

- **NO** Precise boundaries of the Mill Plaza site identified to reveal proposed buffers
- **NO** Delineation of wetland buffer/setback across entire site & inspection of Brook bank
- **NO** Each corner of proposed Buildings B and C marked with prominent cone marker
- **NO** Markers on vegetated hillside to show proposed blasting-away boundaries
- **NO** Boundaries of all proposed retaining wall(s) marked with cones or other markers
- **NO** Boundaries of paving for roads & parking spots clearly marked
- **NO** Markings for area of "new underground utilities & infrastructure"
- **NO** Marking of perimeter of proposed stormwater management system
- YES Fire-engine ladder-to illustrate building heights
- **NO** Ladders or balloons to illustrate *retaining wall* heights
- **NO** Building/structure heights viewed *from* adjacent properties:

<u>NO</u> Brookside Commons; <u>NO*</u> Brook Footbridge; <u>NO*</u> Chesley Dr; <u>NO</u> Faculty Rd; <u>NO</u> Main St

* Only Contract Planner Taintor walked onto the Footbridge & onto Chesley Dr and took pictures

Astoundingly, PB Dec 2020 Site Walk did NOT include views from abutting Brookside

Commons (the most directly impacted abutter)

"height of proposed Building B.... bottom of the basket is at 51 feet."



*Oct 8, 2021 Site Plans: Building B now proposed to be 25 ft closer to Brookside Commons

Brookside Commons Oct 2021 Foliage Vista... would be blotted out by massive Bldgs B&C→ (plus: almost all the trees are to be removed)

Dumine





Despite high relevance of threatened 1.1-acre hillside removal to effectiveness of planned stormwater system & health of College Brook greenway & watershed, & sound/light buffering, CDA Engineer Persechino (with no challenge from PB):

- <u>Declined</u> to mark the boundaries of targeted hillside area at the Nov 20, 2020 ConCom & Dec 16, 2020 PB Site Walk, or even mark the boundary line between the Plaza and the "Orion" Main St housing;
- <u>Misled</u> those at ConCom & PB Site Walks about CDA's prior ELEVEN MONTHS of stonewalling in response to multiple written & oral resident questions about square & cubic footage of targeted hillside;
- <u>Denied</u> that Contract Planner Rick Taintor had <u>only a few days before</u> the Nov 20 Site Walk finally been able to acquire accurate info from Mr. Persechino about 1-acre+ scale of targeted hillside.*
 - <u>Never corrected</u> Board members or citizens when errors were made in his presence *favorable to CDA* (e.g., incorrectly SMALL square footage, 17,415sf, for threatened hillside).

*An astonishing 47,610sf, *more than an acre*, almost 3x more than smaller sf residents had incorrectly drawn from <u>3rd party stormwater review</u> for increase in impervious area. See <u>Nov 18 2020</u> Taintor PB/ConCom memo.

Faculty Road vistas were not included in the Dec 2020 site walk



Why did the Dec 2020 site walk not include looking at the proposed building <u>heights</u> (via fire ladder) from Faculty Rd abutting homes?

Chesley Drive vistas were not included in the Dec 2020 PB Site Walk

Current Bldg 2 is about 320 ft from footbridge

Despite its distance & low profile (17ft tall), existing single-story Bldg 2 is **very prominent** from Chesley Dr & the College Brook footbridge.

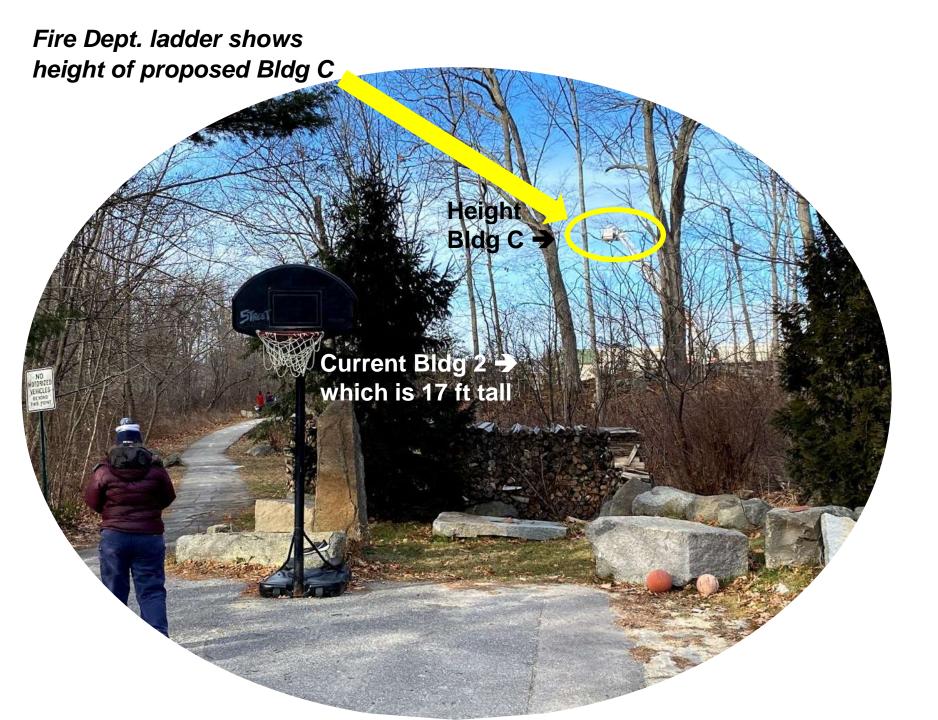


Chesley Dr sights

On Dec 16, 2020 PB site-walk day

For anyone who would have walked over to look...

—which did not include members of the Durham Planning Board.



Chesley Drive Realities vs. Fantasies

CDA "erases" massive proposed 51 ft tall structure into Disneyfied "magic forest" postconstruction fantasy image.

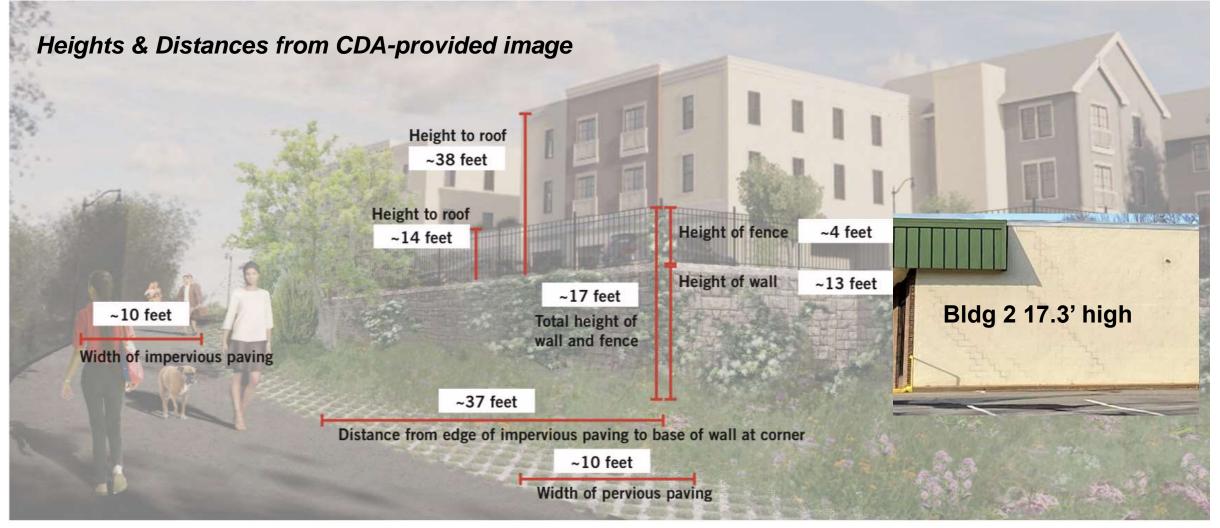




Why hasn't the Planning Board demanded accurate info & *illustrations* from CDA?

Proposed Building C with 13-Foot Retaining Wall

would be 3 times height of current Building Two* & 150ft closer to Chesley Dr



13' retaining wall + 38' three stories = 51 Feet (or 3 times height of current 17.3' tall Building Two)

Markers for retaining wall/fence height were *not* at the site walk

This Bldg C image may explain why CDA has not yet shown actual relative heights of person/wall: a 5'10" person standing w/13' ladder against towering wall is almost invisible

In this ACCURATE scale, the proposed wall looks intimidatingly – and unpleasantly – massive! And a so-called "3-story building" is revealed to be as imposing as a 4-story or taller structure.

See "CDA's Magical Projections," Joshua Meyrowitz 11-12-20

A thorough site walk would examine damage to the College Brook bank

"Current snow management, pushing snow over the bank down into the riparian corridor. Notice the trees are bent and dying, from this practice." – Streamworks

Site mismanagement documented even in CDA-submitted Streamworks Report

CDA's promises to repair *some* of its own damage (broken curbing from plowing, trash in Brook, damage to trees) should not earn CDA approval of a still noncompliant site plan.

Streamworks







A thorough site walk would examine CDA damage to College Brook bank & vegetation

175-73. Prohibited Uses in the SPO District.... g. the dumping of snow or ice removed from roads or parking lots, <u>Zoning Ordinance that Pertains to the Mill Plaza Project, p. 114</u>

Dec 19, 2021 Storm Plowing <u>VIDEO</u> (00:21) Town staff forwarded to NHDES.

Dec 26, 2021 Storm Plowing VIDEO (00:19) Prior mounds pushed further into bank

Plowing snow directly into College Brook bank, during first two small snowstorms of season

"There are some piles of snow that remain at the top of the slope at the edge of parking lot, that snow was not in any State violation as seen during site inspection on 01-14-2022." <u>NHDES Report</u>





175-73. Prohibited Uses in the SPO District.... g. the dumping of snow or ice removed from roads or parking lots, <u>Zoning Ordinance that Pertains to</u> <u>the Mill Plaza Project, p. 114</u>

Snow from third storm of season plowed along/into College Brook bank

A full site walk would compare plans to what's on the ground.

Per Colonial Durham's "Tree Plantings" diagram, an "Existing Tree to Remain"

ñ

Why wasn't the laughter after this was shown followed by a PB demand for CDA to address the issue?

A full site walk could look more closely at this hot-button issue.

2021 Site Plans, p. 7

Very popular footpath from Plaza to Main St & Post Office to be taken out, replaced with switchback staircase. Aug 25, 2021: Planning Board Chair scoffed at idea that ADA-compliant ramp was possible in this location & argued in favor of CDA's plan to put in a switchback staircase (9:45p)

Then a local architect who worked on the 2008 <u>Mill</u> <u>Plaza Study Committee</u> submitted ADA design: <u>Isaak Design—ADA</u> <u>Compliant Pathway 10-21-</u> <u>21</u>. But, on <u>Oct 27, 2021</u>, the PB Chair did not challenge CDA's refusal to consider it.

Site Plan But CDA Promised an ADA-Compliant Ramp in December 2016 Plan!

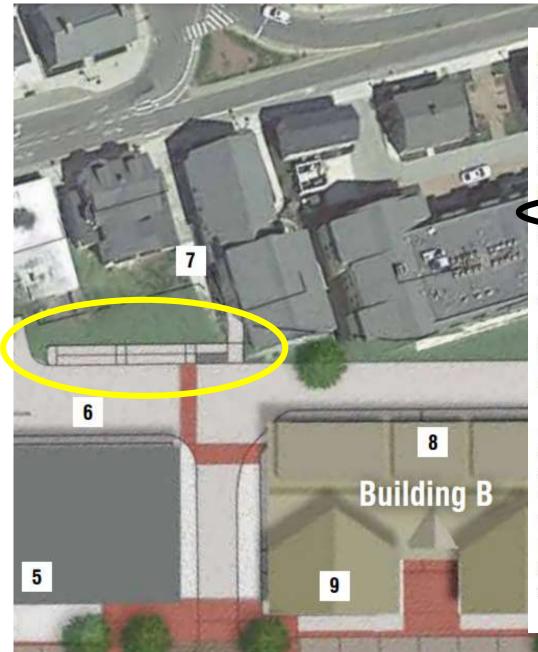
Durham Mill Plaza



As confirmed in the Nov 2016 Site-Walk minutes:

"11. The path to Main Street would be extended westerly and utilize a switchback format to meet standards for wheelchairs."

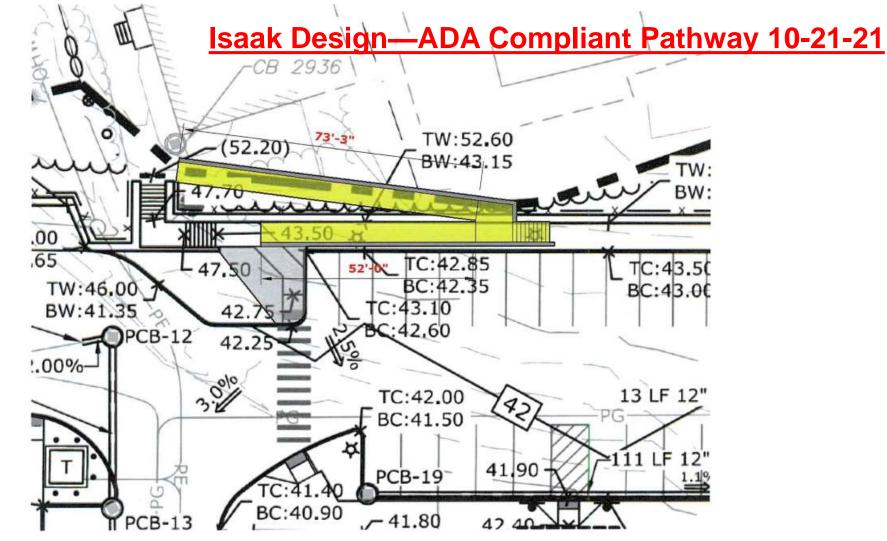
Site-Walk Minutes Mill Plaza <u>Nov 14, 2016</u> 1:00 p.m.



Key:

- 1. Retail
- 2. Park and plaza
- 3. Bicentennial Park
- 4. Hannaford
- 5. Rite Aid
- 6. Loading
- 7. Pathway connection to Main Street
- Residential (3 ½ floors above) commercial
- 9. Commercial (outlined), ground level
- 10. Residential (2 1/2. floors above) above commercial
- 11. Bank
- 12. Ground level commercial (outlined)
- Residential (3 ½ floors) above commercial and parking at ground floor
- 14. Green terrace above commercial
- 15. Paving relocated further from brook
- 16. Excavated hillside
- 17. Landscape buffer along property line
- 18. External walk
- 19. Parking reserve
- 20. Two exit lanes
- 21. Potential small shop or café

Contrary to what was said by Board Members at the Oct 27 PB Meeting at about 9:30pm (video), the Isaak design is indeed for an ADA-compliant ramp, it has only *one* switchback, and it looks more sophisticated than the 2016 CDA ADA-compliant design. Also, it would be an extraordinary benefit to all the adjacent properties, making whatever cooperation was needed very likely to be attained.



More thorough Nov 2016 site walk yielded better neighborhood insights

"16. Specific vistas from the center of Chesley Drive and from the vicinity of 15 and 17 Faculty Drive were noted." <u>Site Walk Minutes, 11-14-16</u>, p. 2, which led to Dec 14, 2016 comments:

PB Member Rasmussen on Dec 14, 2016 (minutes) (video)

"Mr. Rasmussen....said at the [Nov 14, 2016] site walk, he walked to the end of Chesley Drive and looked at the view scape of Mill Plaza from there, including the skyline. He said there was very little vegetative buffer between that neighborhood and the Plaza, so the people living there really did feel like the Plaza was in their backyard.*

He also said looking at the Plaza from the Faculty neighborhood, what was proposed would **match the Orion ridge lines, but would also be 40% closer to the neighborhood so would be impactful.**" (pp. 11-12)

*Note that this comment by Mr. Rasmussen is about the existing vegetative buffer between Chesley Dr and the Plaza; it is not specific to the particular site plan being considered at this or other times.

PB Member Rasmussen

"Mr. Rasmussen.... said there was very little vegetative buffer between that neighborhood and the Plaza,* so the people living there really did feel like the Plaza was in their backyard."

—Dec 14, 2016 (<u>mins</u>) (<u>video</u>)

*Again, this comment is about the limited vegetative buffer between Chesley Dr & Plaza, and is not specific to any particular site plan.





Again, more thorough Nov 2016 site walk yielded better neighborhood insights

"16. Specific vistas from the center of Chesley Drive and from the vicinity of 15 and 17 Faculty Drive were noted." <u>Site Walk Minutes, 11-14-16</u>, p. 2, which led to Dec 14, 2016 PB Hearing comments:

Council Rep Lawson on "Neighborhood" vs. "Abutters"

"Councilor Lawson said he was convinced that Mill Plaza could be redeveloped in a way that could be approved by the Planning Board and that could be supported by the neighborhood. He considered whether from a Zoning perspective, Chesley Drive, Brookside Commons and the Faculty development were abutters or the neighborhood. **He said he thought they clearly met the criterion of a neighborhood, which meant that there were significantly more criteria that an application would have to meet, concerning how a development would impact the neighborhood.**

He said this was going to be very challenging with the current design, and he spoke further on this. He said even if variances were granted, the Planning Board would still have to look at the Conditional use criteria." —Dec 14, 2016 (mins, p. 12; emphasis added) (video)

"[Jim Lawson] said even if variances were granted, the Planning Board would still have to look at the Conditional use criteria." —Dec 14, 2016

The Plaza has long been a BUFFER from sights & sounds of late-night activity on campus, Main St, & beyond [Video Fri 10/2/20 11:28p]



"<u>External impacts</u>: The external impacts of the proposed use on abutting properties and the neighborhood shall be no greater than the impacts of adjacent existing uses or other uses permitted in the zone."

"This shall include, but not be limited to* traffic, noise, odors, vibrations, dust, fumes, hours of operation, and exterior lighting and glare." **Conditional Use**

*Re: "shall...not be limited to" see Conditional Use Review – Durham Town Attorney Guidance

"Mixed-use" Plaza projects "shall not be incompatible with the established character of the neighborhood...[in] scale, height,...massing." (<u>CU Zoning</u>)

"This Board must take into account the **vastly different scale** of this proposed redevelopment and its undeniable **24/7 impact** on the Faculty Neighborhood. Nowhere in the Town of Durham does such a large student housing complex immediately border single-family residences.... Nowhere in Durham are single family homes immediately adjacent to three- and four-story dormitories." – <u>Ward Family, 15 Faculty Rd, 6-24-20</u>



Base images from "Aug 26 2020 Presentation"

5th grade middle-schooler & 5'10" male against 13-ft tall retaining wall are almost invisible The more thorough Nov 2016 site walk made the PB aware of how "impactful" much closer tall buildings would be for those in the Neighborhood



Garden Lane, looking toward Faculty Road – and the Plaza & "Orion" housing beyond, Dec 12, 2021



"[Rasmussen] also said looking at the Plaza from the Faculty Neighborhood, what was proposed would match the Orion ridge lines, but would also be 40% closer to the neighborhood so would be impactful." —Dec 14, 2016 (mins, p. 11-12) (video) "[Rasmussen] also said looking at the Plaza from the Faculty Neighborhood, what was proposed would match the Orion ridge lines, but would also be 40% closer to the neighborhood so would be impactful." —Dec 14, 2016



The Dec 2020 PB Site Walk lasted only 67 mins vs. 102 mins for PB 2016 & 120 mins for ConCom Nov 2020

A thorough site walk for the current Mill Plaza Site Plan would look at:

- A fully marked Mill Plaza site, per checklist drawn from R. Mower & D. Chen
- The state of College Brook and the wetland buffer for understanding CDA maintenance record
- A close comparison of the landscape plans with what's on the ground
- The possible site for an ADA-compliant footpath to Main St
- Heights & boundaries of proposed Plaza structures as seen from Brookside Commons
- Where & how there might be a pedestrian connection between Plaza & Church Hill parking
- Heights & boundaries of proposed Plaza structures as seen from College Brook Footbridge
- Erosion, silting, & other flood damage in downstream Chesley Dr & Faculty Rd backyards
- Heights & boundaries of proposed Plaza structures as seen from Chesley Drive
- Proposed Plaza structures as seen from abutting Faculty Rd & Faculty Rd backyards
- Potential neighborhood impacts (movement, noise, light/glare, odor/fumes, hrs of activity, etc.)

Please try again: Plaza Site-Walk Checklist

Adapted from: <u>R Mower 12-1-20</u> & <u>D Chen 12-1-20 #2</u> (both with experience with site walks):

- Precise boundaries of the Mill Plaza site identified to reveal proposed buffers
- ____ Delineation of wetland buffer/setback across entire site & inspection of Brook bank
- ____ Each corner of proposed Buildings B and C marked with prominent cone marker
 - Markers on vegetated hillside to show proposed blasting-away boundaries
- _____Boundaries of all proposed retaining wall(s) marked with cones or other markers
- ____ Boundaries of paving for roads & parking spots clearly marked
- Markings for area of "new underground utilities & infrastructure"
- ____ Marking of perimeter of proposed stormwater management system
 - __Fire-engine ladder(s) or balloons to illustrate *building* heights
 - _ Ladders or balloons to illustrate *retaining wall* heights
 - Building/structure heights viewed *from* adjacent properties:
 - __Brookside Commons; ____Brook Footbridge; ____Chesley Dr; ____ Faculty Rd; ____ Main St

All voting Board members should attend

Limited-Sight Site Walk 2020 + Accepting "Fantasy Images" vs. "Illustrations"





Please schedule a full-spectrum Site Walk on latest plan & demand realistic illustrations from CDA

Joshua Meyrowitz, 7 Chesley Dr, Durham, NH Prof.Joshua.Meyrowitz@gmail.com [s]